

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL ELLIOT POWELL,
et al.,

Plaintiffs,

v.

MICHIGAN, STATE OF, *et al.*,

Defendants.

Case No. 22-10816

F. Kay Behm

United States District Judge

**OPINION AND ORDER ACCEPTING AND ADOPTING
THE MAGISTRATE JUDGE’S JANUARY 24, 2023,
REPORT AND RECOMMENDATION (ECF No. 59)**

Currently before the Court is Magistrate Judge Elizabeth A. Stafford’s January 24, 2023 Report and Recommendation. (ECF No. 59). This case was initially assigned to Judge Judith E. Levy, who referred all pretrial matters to Magistrate Judge Stafford on July 12, 2022. (ECF No. 43). On February 6, 2023, this case was subsequently reassigned to the undersigned.

Magistrate Judge Stafford recommends dismissing this case sua sponte and denying as moot all currently pending motions. The Court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. “[T]he failure to object to the magistrate judge’s report[] releases the

Court from its duty to independently review the matter.” *Hall v. Rawal*, 2012 WL 3639070 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The Court nevertheless agrees with the Magistrate Judge’s recommended disposition. Therefore, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 59) and **DISMISSES** the complaint without prejudice. All currently pending motions (ECF Nos. 34-36, 53, 55-57) are **DISMISSED** as moot.

IT IS SO ORDERED.

s/F. Kay Behm

F. Kay Behm

United States District Judge

Dated: February 21, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 21, 2023, by electronic and/or ordinary mail.

s/R. Loury

Case Manager